

RE: 18-ARB-5 Pleadings / Documents to be filed under seal

Received: Tuesday, May 25, 2021 12:41 PM

From: Ashley Fawver afawver@ksrlaw.com

To: samantha@timetricsrisk.com samantha@timetricsrisk.com, bmaugust61@gmail.com bmaugust61@gmail.com

CC: Daryl Schumacher dschumacher@ksrlaw.com, Martin Doyle mdoyle@ksrlaw.com

Attached is the 22 page Master Claim I referenced below (you can also access this document via the link I sent). As to how we received the Master Claim, it was part of the statement of claim that the NFA served upon ADMIS.

With respect to confirming what we have of the outbound pleadings you referenced, see my comments in red below:

Outbound Pleadings in 18-ARB-5 Document ID		
Master Summary Claim	42 pages –Summary Complaint We have this but its titled NRCM Summary of Claim	No redactions
Appendix A	65 pages – Rules violated I do not believe we received.	No redactions
Appendix 1	200 pages – Timeline We have this document.	No redactions
Appendix B	14 pages – Heating Oil Errors I do not believe we received.	No redactions
Appendix C	24 pages – Crude Oil Errors I do not believe we received.	No redactions (Except Appendix C Exhibits** Financial paper exhibits filed as C19, C24 and C25 attached to back redacted filed under seal)
Appendix H	9 pages - Anti Money Laundering Errors I do not believe we received.	No redactions

Appendix K	Claims table I do not believe we received.	No redactions
Appendix Exhibits**	160 pages, including screenshots and financial data from NRCM's accounts We have pages B1-13, C1-18, C20, E1, H16-21, I1-17. I do not believe we received the remaining exhibits.	COMMERCIALY SENSITIVE AND TRADE SECRET **Contains account data

Again, I'm in the process of double checking to make sure I have not overlooked the referenced outbound pleadings—I'll provide you an update by end of business day.

Here's an index of the documents we provided via the link that we intend to file. Just to make sure I have this correct, once you've had a chance to review, can you confirm the highlighted documents are the documents we need to redact before filing.

Document
NRCM Master Claim
NRCM Summary of Claim
Appendix L
Appendix 1 Statement of Facts 1 of 3
Appendix 1 Statement of Facts 2 of 3
Appendix 1 Statement of Facts 3 of 3
Appendix Exhibits to Summary of Claim B1-13, C1-18, C20, E1
Appendix Exhibits to Summary of Claim H16-21, I1-17
ADMIS Preliminary Answer dated September 20, 2018
NRCM Response to Respondents' Preliminary Answer
Respondents' Supplemental Answer and Affirmative Defenses to Statement of Claim
2019 6 11 Order on Postponing Pre-hearing Conference
2019 6 27 Order on Oral Argument
2019 8 24 Order on NRCM Motion to Disqualify Joint Representation
2019 8 24 Order on Revised Discovery Timetable
2019 9 12 Order Denying Claimant's Motion for Sanctions
2019 9 26 Order on Defamation
2019 10 10 Order Granting NRCM Motion for Subpoena Re Koutoulas
2019 10 10 Order Granting NRCM Motion for Subpoena To NFA
2019 10 10 Order Granting NRCM Motion to Compel
2019 10 22 Order Confirming Terms Of Koutoulas Dep
2019 11 5 Order on Denying NRCM Motion to Reconsider
2019 11 13 Order on Confidentiality, Discovery and Stay
2019 11 13 Order on Previous Koutoulas Order
2019 11 18 Order Granting Stay
2020 12 14 Order Extending Stay
2021 1 15 Order on Stay

ASHLEY FAWVER



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From: Samantha Kumaran <samantha@timetricsrisk.com>

Sent: Tuesday, May 25, 2021 10:43 AM

To: Ashley Fawver <afawver@ksrlaw.com>

Cc: bmaugust61@gmail.com; Daryl Schumacher <dschumacher@ksrlaw.com>; Martin Doyle <mdoyle@ksrlaw.com>

Subject: RE: 18-ARB-5 Pleadings / Documents to be filed under seal

Ashley, Thanks for the email and your response. Pleasure to meet you. Can you please re-confirm you did not receive the outbound pleadings? They were definitely in my June 8 service and that is a material discrepancy. I do not understand how you could only have been served "some of the Exhibits" when I bound the files via Fedex as a packaged and bound document.

To be safe, I intend to file a letter motion shortly to file the exhibits I mentioned below (Appendix Exhibits and Appendix C) under seal.

I suggest that until we resolve this material discrepancy that other exhibits (which were not served?) are filed under seal until resolved.

I am looking through the documents now and they clearly do not match mine and will revert shortly. Thanks again for your cooperation.

Was anything else in the service? I also do not know what you mean by 22 pages claim. That was never served.

Kind regards,

Samantha S. Kumaran

President and CEO

samantha@timetricsrisk.com

Phone: 212 431 5098 (Office)

Mobile: 917-636-1364 (Cell)



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----- Original Message -----

On Tuesday, May 25, 2021 10:24 AM, Ashley Fawver <afawver@ksrlaw.com> wrote:

Good morning Ms. Kumaran,

We have not been introduced but my name is Ashley Fawver and I'm a colleague of Daryl Schumacher. Daryl is out of pocket for the week so I'll be helping out with this matter.

I've attached a link below to the documents we intend to file for your review. I'll send the password to the link in a separate email.

Please note that the statement of claim ADMIS was served with is different from the documents you have listed as outbound pleadings.

While we are still double checking, as of now I believe that we received: Master Summary Claim (42 pages),

Appendix 1 (200 pages),

Some of the Appendix Exhibits (B1- B13, C1-C18, C20, E1, H16-H21, and I1-I17), and

A 22 page document titled Master of Claim that you do not reference as an outbound pleading.

We do not have Appendix A, Appendix B, Appendix C, Appendix H, Appendix K, and some of the Appendix Exhibits.

Please let us know which pages from the attached documents you would like us to redact and we will do so before filing.

Additionally, seeing that the matter is proceeding in front of Judge Aaron, please let me know you thoughts on whether we should adhere to Judge Aaron's individual rules concerning filing documents under seal rather than Judge Wood's ~~they are slightly different in that Judge Aaron requires us to submit a joint submission.~~ Rule 3(E) of Judge Aaron's Individual Rules, a copy of which is also attached to this email. We intend on taking no position regarding the confidentiality of the documents.

Best,

Ashley

https://www.dropbox.com/sh/crmgijwkum2b3j7j/AADRAQH9uj_825jU70w8iLC2a?dl=0

ASHLEY FAWVER



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From: Samantha Kumaran <samantha@timetricrisk.com>

Sent: Monday, May 24, 2021 1:54 PM

To: Daryl Schumacher <dschumacher@ksrlaw.com>; Martin Doyle <mdoyle@ksrlaw.com>

Cc: Brian August <bmaugust61@gmail.com>

Subject: 18-ARB-5 Pleadings / Documents to be filed under seal

Dear Daryl,

Pursuant to the recent Court Order for Defendant to file the 18-ARB-5 Arbitration pleadings I have gone through the outgoing complaint that was filed on Jun 8, 2018. Since the NFA Arbitration was based on paper filing (meaning it was filed using hard-copies and Fedex - and not electronically), I was never sent a copy of what was actually sent in service - I want to make sure our record of the pleadings matches and that you have notice on the exact documents we seek redacted. I have therefore attached to this email the exact 2 documents (***Appendix Exhibits** and **"Appendix_C_Supplement_Exhibits**) that we are requesting to be filed under seal, that contains our confidential and commercially sensitive account data and financial information. I have also attached below a table of what was sent in the outgoing pleading.

The 2 documents attached contain Plaintiffs commercially sensitive and highly sensitive information financial data that we ask to be redacted and filed under seal. I will also be filing a letter motion to redact those 2 documents.

Here is a table of the remaining documents we have that were contained in Jun 8 2018 outbound filing

Outbound Pleadings in 18-ARB-5 Document ID		
Master Summary Claim	42 pages –Summary Complaint	No redactions
Appendix A	65 pages – Rules violated	No redactions
Appendix I	200 pages - Timeline	No redactions
Appendix B	14 pages – Heating Oil Errors	No redactions
Appendix C	24 pages – Crude Oil Errors	No redactions (Except Appendix_C_Exhibits**Financial paper exhibits filed as C19, C24 and C25 attached to back redacted filed under seal)
Appendix H	9 pages - Anti Money Laundering Errors	No redactions
Appendix K	Claims table	No redactions
Appendix Exhibits**	160 pages, including screenshots and financial data from NRCM's accounts	COMMERCIALLY SENSITIVE AND TRADE SECRET **Contains account data

We please ask that you also send us a copy of the pleadings or letters that you intend to file (before hand) so that we may identify if it contains commercially sensitive information before filing on the docket. As of now, based on our own records above, the two 2 files attached (**Appendix Exhibits** and **Appendix_C_Supplemental Exhibits**) from the attached table are requested to be filed under seal for SELECT PARTIES under ECF filing. This is consistent with Hon. Judge Greg Wood Individual Rules 4 (a) for protecting trade secrets and/or when another party (Plaintiffs) assert the documents contains their own financial and commercially sensitive information.

If ADMIS has any redactions of confidential data (above ours) we do not object to you filing additional information under seal pending any motion or order related to redaction.

Thank you for your cooperation. If you have any questions or comments please contact me before Wednesday.

Kind regards,

Samantha S. Kumaran

President and CEO

samantha@timetricsrisk.com

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